



#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Helmling et al.
National Stage
Appl. No.: 10/522,582
Conf. No.: Not Yet Assigned
Filing Date: 26 January 2005
Title: GHRELIN BINDING NUCLEIC ACIDS
Art Unit: Unassigned
Examiner: Unassigned
Docket No.: 116676-002

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Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

Applicants hereby request withdrawal of the Notice of Abandonment for the following reasons:

- (1) The instant national stage application was filed by the undersigned while at a prior firm.
- (2) Attached hereto is a copy of the transmittal letter filed 26 January 2005.
- (3) The undersigned relocated to his current firm, the Washington, DC office of Bell, Boyd & Lloyd LLC, on 28 January 2005.
- (4) My current firm has not received the Notice of Missing Requirements. A review of the docket which is maintained and controlled by the Chicago office of Bell, Boyd revealed that no Patent Office communications were received for the instant application since 28 January 2005.

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Legal Staff
International Division

(5) My prior firm did not receive the Notice of Missing Requirements as all documents of transferred cases are mailed to Bell Boyd.

RELIEF REQUESTED

Applicants hereby request vacation of the Notice of Abandonment and reissuance of the Notice of Missing Requirements to the undersigned at the address noted herein below, Customer No. 29180, so that the filing fee can be paid. The undersigned is authorized to act on behalf of applicants and the Assignee of said applicants.

Respectfully submitted,

BELL BOYD & LLOYD LLC

By 

Dean H. Nakamura
Reg. No. 33,981
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (202) 955-6851

Dated: 21 October 2005



TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 2502491-991150
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) (Unassigned - New Application)
INTERNATIONAL APPLICATION NO. EP 03/08542	INTERNATIONAL FILING DATE 1 August 2003	PRIORITY DATE CLAIMED 1 August 2002
TITLE OF INVENTION GHRELIN BINDING NUCLEIC ACIDS		
APPLICANT(S) FOR DO/EO/US HELMLING, Steffen; EULBERG, Dirk; MAASCH, Christian; KLUSSMANN, Sven		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4)7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.7615. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).20. <input type="checkbox"/> Other items or information:<ol style="list-style-type: none">a. <input type="checkbox"/> For purposes of examination, please insert the annexes to the IPER, so that the application will comprise the following pages of the English translation: Specification - Original Pages ; Amended pages - ; Claims - Original Claims - ; and Amended Claims -		

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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) (Unassigned – New Application)		INTERNATIONAL APPLICATION NO. PCT/EP03/08542		ATTORNEY'S DOCKET NUMBER 2502491-991150	
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a. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$1,080.00</div>				CALCULATIONS PTO USE ONLY	
				\$1,080.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	36 - 20 =	16	x \$18.00	\$288.00	
Independent claims	5 - 3 =	2	x \$86.00	\$172.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+\$290.00	\$290.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,960.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	\$
SUBTOTAL =				\$980.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$980.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$980.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Fees at this time are not to be paid. Applicant will pay upon receipt of Missing Requirements.

c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

GRAY CARY WARE & FREIDENRICH LLP
 1625 Massachusetts Avenue, N.W. - Suite 300
 Washington D.C. 20036
 Phone No. 202-238-7700
 Fax No. 202-238-7701

 SIGNATURE

DEAN H. NAKAMURA
 NAME
33,981
 REGISTRATION NUMBER

OCT 24 2005

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
116676-002

In Re Application Of: Helmling et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/522,582	26 January 2005	Unassigned	29180	Unassigned	Not Yet Assigned

Title: **GHRELIN BINDING NUCLEIC ACIDS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

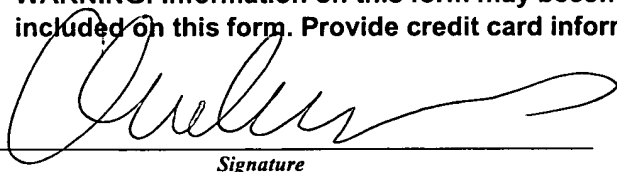
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in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

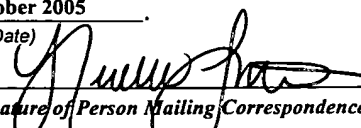
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Signature

Dated: 20 October 2005

Dean H. Nakamura
Reg. No. 33,981
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (202) 955-6851

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 21 October 2005 (Date)	
	
Signature of Person Mailing Correspondence Heather Foster	
Typed or Printed Name of Person Mailing Correspondence	

CC:

OCT 2 4 2005

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
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In Re Application Of: **Helmling et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/522,582	26 January 2005	Unassigned	29180	Unassigned	Not Yet Assigned

Title: **GHRELIN BINDING NUCLEIC ACIDS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

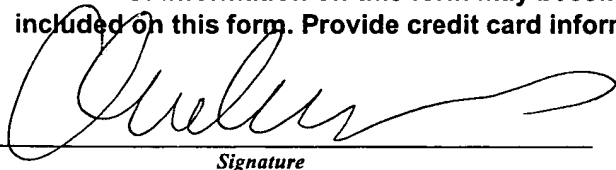
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Signature

Dated: **20 October 2005**

Dean H. Nakamura
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21 October 2005

(Date)

Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence

cc: